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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
)  
Murakawa et al. )  
)  
Serial No. 07/402,450 ) Examiner: M. Escallon  
)  
Filed: September 1, 1989 ) Group Art Unit: 1814  
)  
For: METHOD FOR )  
AMPLIFICATION AND )  
DETECTION OF RNA )  
SEQUENCES )

**PETITION TO HAVE APPLICATION  
ACCEPTED WITHOUT DRAWINGS**

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In the Decision of the Board of Patent Appeals and Interferences dated August 8, 1996, the Board pointed out a procedural irregularity involving the cancellation of references to drawings in the above-referenced patent application. Applicants have not yet received a Notice of Omitted Items or other action following the Board's comments. Nevertheless, in anticipation of such notification, Applicants submit this petition.

The Board referred to MPEP § 608.02 (subsequently amended--see MPEP §608.01(f) and (g)) which requires an applicant to petition to have an application accepted without omitted figures if it is believed that those figures are not necessary to an

understanding of the subject matter sought to be patented. Accordingly, applicants respectfully submit this petition in compliance with the Board's directive. A supplemental declaration of the inventor and a check in the amount of \$130.00 to cover the petition fee under 37 C.F.R. § 1.17(i) accompany this petition. The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 02-2135. A duplicate copy of this paper is provided.

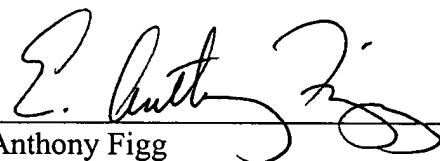
At Example V, at page 12 of the application as filed, reference is made to figures 1, 1A and 1B. These figures did not accompany the application as filed on September 1, 1989. On December 5, 1991, Applicants filed an amendment cancelling from the specification the paragraph referring to the three figures. Applicants submit that none of the figures is necessary to an understanding of the application or for support of any claim. Example V describes an experimental procedure in which peripheral blood lymphocyte RNA from an AIDS patient was amplified using two sets of primers. The first set of primers were designated "HIV A" and "HIV B." The second set of primers were T-cell receptor A and B synthetic oligonucleotides. The first two cycles of PCR amplification employed the enzyme, AMV reverse transcriptase. The following 28 rounds of amplification employed the enzyme, *Thermus aquaticus* DNA polymerase. The amplification products were analyzed by Southern hybridization. The immobilized amplification products were probed with two separate probes. The first was a radiolabelled oligonucleotide designated "HIV C." The second was a T-cell receptor C

probe. The text of Example V, at lines 15-16 on page 12, indicate that bands from each of the authentic HIV and T-cell receptor sample were detected after Southern blot hybridization. The figures are not necessary to an understanding of this experiment. The textual information indicates that the amplification process was successful and produced the expected bands. Photographs of the autoradiographs are not essential to an understanding of the experiment or to the ability of the reader to reproduce the experiment.

Moreover, Example V does not exemplify an experiment corresponding to any of the currently pending claims. The claims, as recently amended, are limited to compositions and methods for performing quantitative PCR using an internal control. Example V does not describe quantitative PCR or the use of an internal control. Therefore, Example V could be deleted in its entirety without diminishing the disclosure with respect to the invention as claimed. In view of the foregoing and the accompanying supplemental declaration, Applicants respectfully request that this application be accorded the filing date of September 1, 1989.

Respectfully submitted,

By



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